

MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD MEETING

175 East 200 North
St. George Council Chambers
St. George, Utah
March 5, 2001
1:00 p.m.

UTAH WATER QUALITY BOARD MEMBERS PRESENT

K.C. Shaw, Chair
Ray M. Child
Mayor Thompson
Robert G. Adams

Mayor Cushing
J. Ann Wechsler
Nan W. Bunker

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Don Ostler, Faye Bell, Walter Baker, Jay Pitkin, Tim Beavers, Fred Pehrson

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Alton Anderson	Sunrise Engineering
James Robinson	Beaver City
Michael Dalton	Beaver City
Ronald Bird	Beaver City
Steve Atkin	Beaver City
Rod Cosslett	So. West Utah Public Health
Frank Mills	Pleasant Grove City
Calvin George	Sunrise Engineering
Lawence Parker	So. West Utah Public Health
Bill Dawson	So. West Utah Public Health
Larry Bowen	Bowen Collins & Assoc
Tim Jones	Jones & DeMille Engineering
Pryor Harrell	Ashley Valley Sewer Manager
Craig Matthew	Monroe City

Chairman Shaw called the Board meeting to order at 1:05 PM. He welcomed those in attendance and invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE JANUARY 19, 2001 MEETING

K.C. Shaw noted the following changes to the January 19, 2001 minutes. Rob Adams had his name removed as attending the January meeting, since he arrived so late. Ms. Wechsler noted the scheduled date of the next Board meeting should be changed to March 5, 2001. Mr. Shaw noted on Page 2, Division Business number 1, the colon should be removed from the phrase "to fill the private sector: vacancy". Ms. Wechsler noted on pg. 5, at the end of paragraph 2, the phrase "are not in favor the current proposals" should read "are not in favor of the current proposals".

Action Taken: **It was moved by Ms. Wechsler, seconded by Ms. Bunker and unanimously carried to approve the minutes of the January 19, 2001 meeting with Rob Adams and Mayor Cushing abstaining from voting since they were not in attendance at the January 19, 2001 meeting.**

LOAN PROGRAM

1. **Financial Assistance Status Report** - Mr. Baker updated the Board on the "Summary of Assistance Program Funds" as outlined under Tab 2.1. He noted that that the total funds available also includes the grant funds received from EPA for 2001.

2. **South Sevier (Action Item)** - Mr. Beavers briefed the board on Monroe City. Mr. Beavers introduced Tim Jones of Jones & DeMille Engineering, and Mayor Matthews of Monroe City. The South Sevier Association of Governments (SSAOG) has been formed which includes members from the towns of Joseph, Annabella, Richfield, Central Valley and a few other unincorporated areas in the County. The SSAOG is requesting funding for a wastewater facilities plan. They have held 2-3 public meetings in conjunction with their application for Community Impact Board (CIB) funds and found the citizens open and receptive to planning and the potential to meet the waste water needs. They're applying for ½ the amount needed for facility planning from CIB and ½ from the Water Quality Board. The total amount needed for the project is estimated at \$125,000.

Mr. Beavers said that staff recommends that the Board approve Monroe City's request for a \$60,000 planning advance, subject to the following special conditions: 1) a Plan of Study and engineering agreement for the work must be approved prior to the execution of the grant agreement; 2) if a wastewater project is implemented as a result of this study, the Planning Advance must be expeditiously repaid as part of any future funding assistance. If a project is not implemented the City will nevertheless be expected to repay the Planning Advance; 3) disbursement of planning funds shall not exceed \$80,000 until an acceptable draft facility plan is submitted to both the communities and the Division of Water Quality; and 4) as a part of the facility planning effort, the City and the other members of the SSAOG must complete a Water Conservation and Management Plan.

Mayor Matthew pointed out that a 1998 general planning survey was conducted within the community, and they were surprised that the sewer system was clearly at the top of the citizen's list of issues. He said that the City realized that it would be best to pursue a sewer in a regional manner. Mayor Thompson asked about the population of Monroe and the surrounding communities impacted by this project. Mayor Matthew stated that it would serve about 4,500

residents. Mr. Shaw re-emphasized that the planning advance would be expected to be paid back, if a project was not implemented. Mr. Shaw asked if there are any failing septic systems in the area. Mr. Jones confirmed there are problems in places where drain fields have been replaced 3 and 4 times. He said that it was a community-wide concern. Mayor Thompson commented that a sewer will likely lead to greater growth to the community. He asked if the community had a recent plan for growth. Mayor Matthew confirmed that the community does have a plan and fully understands the impacts that could result from this project.

Action Taken: **It was moved by Mr. Adams, seconded by Mayor Cushing, and unanimously carried to approve a \$60,000 planning advance for Monroe City and surrounding areas, subject to the special conditions outlined in the staff's feasibility report.**

3. **Pleasant Grove - 1st Hearing** - Mr. Beavers introduced Frank Mills from Pleasant Grove City and Calvin George from Sunrise Engineering. Pleasant Grove City has a population of approximately 50,000 people with about 4500 residential units. In 1999 the City developed a master plan which identified some areas with critical needs. Pleasant Grove City is looking at replacing a major collector line and adding an additional collection line along State Street. The City will be coming back to the Board at their next meeting to request \$550,000 for planning, design and construction of upgrades.

Mr. Beavers said that the City is seeking financing primarily from the Water Quality Board because they can get a more favorable rate. Approved plans and specifications are anticipated to be completed sometime in June. Pleasant Grove City will be paying \$100,000 of the \$650,000 total project cost. The resultant user fee is estimated at approximately \$25.00 per month.

Mr. Beavers said that staff supports Pleasant Grove City's efforts to upgrade its system and will be looking at a 10 year repayment schedule. Pleasant Grove City recently annexed Cedar Hills and found they had a lot of septic systems needing to be upgraded. Mr. Child commented on the number of gallons being used. Mr. Mills stated they had recently replaced the meters and are now getting an accurate reading. Mr. Beavers said that Pleasant Grove City anticipates returning to the Board at its next meeting for action on this request.

3. **Beaver City (Action Item)** - Mr. Atwood introduced Steve Atkin and Mayor Robinson of Beaver City and Alton Anderson of Sunrise Engineering. Mr. Atwood recalled that in July of last year, the Board authorized a \$2,499,000 loan to Beaver City for a waste water project. Since then, the City has run into a problem with the proposed lagoon location, resulting in the need for additional funds to complete the project. Beaver City is requesting that the original loan be increased by \$451,000, for a total of \$2,950,000.

Mr. Atwood said that staff has reviewed the situation with the City and concurs with the assessment. He said that staff recommends that the entire loan be approved with a 4% hardship grant assessment or interest rate, subject to the following special conditions: 1) the City must agree to participate annually in the Municipal Wastewater Planning Program; 2) a Water Management and Conservation Plan must be completed prior to loan closing; and 3) the City must repay the \$24,400 planning advance from the Water Quality Board as part of the long-term financing.

Mayor Robinson explained the problems Beaver City has had in acquiring the land needed for the project. Mayor Cushing asked what the average monthly rate is per customer. Mayor Robinson responded that the average rate is \$16 per month, with additional impact fees of \$950.

Action Taken: It was moved by Mayor Cushing, seconded by Rob Adams, and unanimously carried to approve Beaver City's request to increase its authorized loan amount by \$451,000 to \$2,950,000 with a 20 year term, and either a hardship grant assessment or interest rate of 4.0%. The determination of interest rate versus hardship grant assessment will be made at the time of loan closing. The authorization was subject to the special conditions outlined in the staff's feasibility report.

BOARD ACTIONS

1. **Request to initiate rulemaking for proposed revisions to R317-550 & R317-1 for public comment (Action Item):** Mr. Pitkin discussed the proposed amendments as outlined under Tab 3 of the Board's packet. He said that the purpose of the proposed rule changes is to clarify that sites for land disposal of septage must be approved by the Executive Secretary. Mr. Child questioned the portion relating to landfills. Mr. Pitkin verified that the rule clarifies the Division of Solid and Hazardous Wastes' authority over landfills. Mayor Thompson asked if staff had any reservations to these changes. Mr. Pitkin said staff views the proposed changes as a straight forward clarification of the Division of Water Quality's regulatory role in land disposal issues.

Action Taken: It was moved by Mayor Thompson, seconded by Ms. Bunker, and unanimously carried to authorize the staff to proceed with rulemaking on the proposed amendments.

2. **Ashley Valley Sewer Management Board Request for Extension of Compliance Schedule Deadlines (Action Item)** - Mr. Atwood explained that Ashley Valley is under a Stipulation and Consent Order to complete construction and begin operation of a new mechanical wastewater treatment plant to replace the lagoon system. He recalled that Ashley Valley had applied for an extension last year and are now needing an additional extension in order to complete construction. He said that AVSMB is confident that it will be able to meet the previously extended operational status date of May 9, 2001, but requests that the construction completion date be extended from February, 9, 2001 to May 29, 2001. This will allow for the AVSMB to complete the remaining curb and gutter and pave the roads in and around the plant.

Staff has reviewed the request and recommends that it be approved by the Board. Staff is also recommending that the penalty of \$100/day be waived. Mr. Harrell from AVSMB explained that in making the initial 90 day extension last year they did not take into consideration the previous change orders which added time to the project were not taken. Mr. Ostler questioned if there will be a need for a bypass during this period. Mr. Harrell said that it would not and explained that the contractor is planning to cap the line in two places. Mr. Ostler asked if AVSMB has hired an operator yet. Mr. Harrell said Ashley Valley hired and trained a Grade 4 operator.

Action Taken: It was moved by Ms. Wechsler, seconded by Mr. Child, and unanimously carried to approve the request for an extension of time without penalties.

STAFF REPORTS

1. **Report on this year's legislative session:** - Mr. Ostler updated the Board on the recent legislative session. He said that HB 14 passed. The bill will require a \$25.00 fee for each new septic system that is constructed and will require certification for those who design, inspect and maintain underground wastewater disposal systems. Certification will also be required for individuals performing soil and percolation tests. The fee would be collected by local health departments and the state. Money would be placed in a dedicated account and would be only used to assist with training and certification. The fee should generate about \$75,000 per year. Mr. Ostler said that the Division is currently contracting with Utah State University to provide training and he expects this arrangement to continue. He noted that a number of amendments were made to the bill to ensure that a private homeowner could maintain his system and conduct percolation tests without being certified.

SB 66, sponsored by Leonard Blackham, also passed. This bill makes funding available to Animal Feeding Operations in order to prevent polluted runoff. Mr. Ostler said that there has been a substantial initiative conducted in Utah to develop an AFO/CAFO strategy, and assessments are now being done on every animal feeding operation in the state. He said that the bill provides funds to help people make the necessary improvements and will be a nice addition to go along with the loans being provided by the Water Quality Board. Grant funds provided by the bill will be administered by Department of Agriculture through the Soil Conservation Commission.

Mr. Ostler said that a budget increase was passed this year to fund one person to administer federal stormwater permits. Mr. Ostler said that he appreciated the efforts of Mayor Cushing and Mayor Thompson in gaining support on this issue from the League of Cities and Towns. He said that due to budget concerns, the Division had to ask for a one time general fund appropriation that would need to be replaced by fees in the future.

On the negative side, Mr. Ostler said that the legislature cut 10 FTE's from DEQ's budget. He said he anticipated that the cuts would be absorbed by eliminating unfunded positions and by not filling vacancies. He noted that there was an attempt to cut funding from the DEQ budget in order to fund a high level nuclear waste program. However, this approach stalled when the legislature realized they would be trading one environmental problem for another.

2. **Draft rules for Non Point Source, Stormwater, and Underground Wastewater Disposal Systems Loans:** Mr. Baker directed the Board to Tab 4, and discussed draft rules and flow charts for each of the three proposed rules. He said that a year ago, the Division of Water Quality received statutory authority to make loans for Non Point Source (NPS), Stormwater (SW), and Underground Wastewater Disposal Systems (UWDS). He said that the staff's recommended funding level for NPS would \$1 million per year, \$0.5 million per year for stormwater and \$300,000 per year for the UWDS program. Mr. Shaw questioned if staff anticipated funding studies. Mr. Baker responded that studies would be eligible on the larger projects. He noted that loans will only be made for repair of existing malfunctioning Underground Wastewater Disposal Systems and that determination will be left to the judgement of the local health department. In the case of the UWDS program, these loans will be made to individuals, which will pose a greater risk. Mr. Shaw pointed out the condition that if the property was sold, the loan would be paid back. Mr. Baker said that the local health department will certify the completion of the project to the Division will do the credit check. Mr. Child pointed out that meeting the collateral requirements could

prevent someone from using these funds. Mr. Baker said that the staff anticipated bringing the proposed rules back to the Board in May and requesting approval to proceed with rulemaking.

ENFORCEMENT UPDATE

1. Hyrum - Mr. Fred Pehrson said that Hyrum City was issued a Notice of Violation on July 25, 2000 for effluent violations that occurred March through May 2000. The violations were a direct result of West Point Dairy discharging to the Hyrum City Wastewater Treatment Plant and causing interference with their treatment process. A draft settlement agreement was agreed upon on November 30, 2000 and is currently out for public notice. The public notice period ends on March 12, 2001.

The settlement agreement consists of a cash penalty of \$8,925 and a \$4,000 mitigation project. The mitigation project consists of a one day conference on "Fats, Oils and Grease in Municipal Sewer Systems" and will be held in Salt Lake City. The conference will be administered by the Water Environment Association of Utah. The settlement agreement also requires Hyrum City to develop and fully implement an Industrial Wastewater Pretreatment Program which will specifically contain provisions to ensure the West Point Dairy discharge will not cause pass through or interference with Hyrum City's discharge limits.

2. Weston Engineering - Mr. Fred Pehrson said that Weston Engineering was issued a Notice of Violation on September 26, 2000 concerning violations associated with a release of solids to East Canyon Creek while drilling a water well at Kimball Junction, Summit County. When the company was made aware of the problems associated with their discharge from well drilling, they discontinued drilling, were able to resolve the problem and complete the well. The well is now completed and in the testing phase. Mr. Pehrson said that the settlement agreement was resolved with a penalty of \$1,875. He noted that staff encounters this type of problem periodically. He said that the Division has been working with the State Engineer's office to develop information sheets on water quality requirements that can be distributed by their office to drillers. The Division has also requested an opportunity to make presentations on water quality concerns at workshops offered by the State Engineer's Office.

WATER QUALITY BOARD TOUR

Mr. Ostler introduced Ron Thompson of the Washington County Water Conservancy District who will be leading the Sand Hollow Dam and Reservoir Project tour, and Barry Barnum of St. George City who will be leading the tour of the St. George Special Environmental Project.

The meeting was adjourned at 3 PM.

NEXT MEETING

The next meeting of the Board was scheduled to be held on May 7, 2001 at the Dixie Center in St. George in conjunction with Water Environment Association of Utah's annual conference.

K. C. Shaw, Chairman